

MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK

May 5, 2004

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened at 9:00 a.m., May 5, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andy Kunasek, Chairman, District 3; Fulton Brock, District 1; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present, Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain)

PERSONNEL AGENDA

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to approve Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to approve easements, right-of-way documents, relocation assistance, and appraisal services contracts under \$5,000 per resolution FCD 87-12; escrow instructions per resolution FCD 87-13; license procedures and fee schedules per resolution FCD 97-02; and payment of tax notices per resolution FCD 97-07 for Flood Control purposes. (ADM1910)

Arlington Elementary School (99-35) (Per Resolution FCD 2001R007)

Item A007.001 and A007.002, Warranty Deed from the Arlington School District No. 47 to the Flood Control District of Maricopa County for the sum of \$981,656.00.

Item A007.001 and A007.002, Purchase Agreement and Escrow Instructions.

East Mesa ADMP – Crismon Channel (Per Resolutions FCD 97-11 & 97-11A)

Item 9906.013, 014, 015, 016, 019; Temporary Construction Easement and Agreement for Flood Control Purposes from Whane of Mesa Limited Partnership, L.L.L.P., an Arizona Limited Liability Limited Partnership to the Flood Control District of Maricopa County for the sum of \$82,050.00.

Item 9906.010, 018; Permanent Channel Easement and Agreement for Flood Control Purposes from Whane of Mesa, Limited Partnership, L.L.L.P., an Arizona Limited Liability Limited Partnership, its successors and assigns to the Flood Control District of Maricopa County for the sum of \$461,200.00.

Item 9906.010, 018; Purchase Agreement and Escrow Instructions.

Property Management – Agua Fria (Per Resolution FCD 1999R016)

Item A-1160/61/62, Termination of Right of Entry and Soil Material Disposal Easement between Flood Control District of Maricopa County and "Owners" recorded in the official records of Maricopa County, Arizona, Docket No. 16439, page 782, dated November 23, 1982.

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CORRECTION TO DISTRICT MINUTES OF AUGUST 27, 2003

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to approve a correction to the Board of Directors' formal minutes of August 27, 2003, regarding Item C20040032, Intergovernmental Agreement with the Maricopa County Board of Supervisors. The following language will be stricken.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement between the Board of Supervisors and the Flood Control District Board of Directors identifying the organizational reporting structure of the District Chief Engineer and General Manager. This item was withdrawn by the Clerk of the Board.

The item will be changed to read as follows:

Item: Approve an Intergovernmental Agreement between the Board of Supervisors and the Flood Control District Board of Directors identifying the organizational reporting structure of the District Chief Engineer and General Manager. The Clerk announced that this item was withdrawn by the District. (C20040032) (C0604045M) (ADM1919) (ADM726)

CORRECTION TO DISTRICT MINUTES OF NOVEMBER 6, 2002

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to approve a correction to the Flood Control District Board of Directors formal minutes of November 6, 2002, regarding Item C69030316, Resolution – Spook Hill Area Drainage Master Plan. In the minutes Resolution, FCD 2002R009, Scottsdale Road Corridor Drainage Master Plan was incorrectly inserted. Resolution 2002R008, Spook Hill area Drainage Master Plan, should have been inserted. (C69030316) (C0604046M) (ADM1915-003)

**RESOLUTION FCD 20024008
SPOOK HILL AREA DRAINAGE MASTER PLAN**

WHEREAS, The Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes Title 48-3603, Chapter 21, which requires the Board of Directors of the District to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems within Maricopa County, and

WHEREAS, the District has updated the Spook Hill Area Drainage Master Plan, a regional drainage master plan, originally published in 1987, to identify and mitigate existing and future drainage and flooding problems in the eastern metropolitan area identified in Exhibit A, attached hereto and made a part hereof, and

WHEREAS, to date, none of the proposed regional drainage improvements outlined in the 1987 Spook Hill Area Drainage Master Plan have been implemented, and

WHEREAS, the City of Mesa requested in the FY 1998/1999 CIP Prioritization Procedure that the District conduct studies to identify drainage improvements necessary to mitigate the drainage problems within the Spook Hill watershed, and

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WHEREAS, the area continues to rapidly urbanize and the regional drainage and flooding problems in the area have not been comprehensively addressed, and

WHEREAS, the District has updated the 1987 Spook Hill Area Drainage Master Plan and has defined a preferred alternative (Exhibit B) for mitigation of storm water flows with drainage infrastructure, and

WHEREAS, the District, in cooperation with the City of Mesa and Maricopa County, will work to implement the features defined in the Spook Hill Area Drainage Master Plan in total or in part, subject to funding, priorities, and future authorization.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the District adopts the Spook Hill Area Drainage Master Plan Final Report as the basis to mitigate storm water flooding within the Spook Hill watershed area, and

BE IT FURTHER RESOLVED that the Board of Directors of the District recommends that the Maricopa County Board of Supervisors adopts the Spook Hill Area Drainage Master Plan as a planning tool to establish regional flood control infrastructure to mitigate storm water flows within the study area, and

BE IT FURTHER RESOLVED that the Board of Directors of the District authorizes and directs the Chief Engineer and General Manager of the District to negotiate and prepare intergovernmental agreements with the City of Mesa, and/or other municipalities and agencies, as appropriate, for right-of-way acquisition, design, construction, construction management, and future operation and maintenance, including appropriate District participation in landscape and multi-use improvements for the preferred flood control features needed to mitigate and/or eliminate flooding within the Spook Hill Area Drainage Master Plan area, subject to the ratification and approval of the Board of Directors of the District, and

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is hereby authorized and directed to negotiate with landowners and/or appropriate agencies to obtain the necessary rights-of-entry, property and/or easements and all other necessary land rights required for the identified preferred alternative features projects within the following sections:

T2N, R7E, Section 32,33

T1N, R7E, Sections 3,4,5,6,7,8,9,10,16

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District retains the right to and is authorized and directed to hire, retain, or otherwise utilize the professional services of the Maricopa County Attorney's Office or private counsel to initiate and prosecute actions and proceedings in the manner required by law to condemn any and all Rights-of-Entry, Property, and/or Easements required for the implementation of the preferred alternatives of the Spook Hill Area Drainage Master Plan which cannot be obtained by donation or purchase in the following locations, subject to the ratification and approval of the Board of Directors of the District:

T2N, R7E, Section 32,33

T1N, R7E, Sections 3,4,5,6,7,8,9,10,16

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to include funds in the District's current and future Five-Year Capital Improvement Program (CIP) for design, construction, and land acquisition for features identified in the Spook Hill Area Drainage

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Master Plan subject to prioritization by the District and subsequent approvals from the Board of Directors of the District of future Five-Year CIP, and

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to advertise, select, negotiate and award a contract for engineering services for implementation of the Spook Hill Area Drainage Master Plan, subject to the ratification and approval of the Board of Directors of the District.

DATED this 6th day of November 2002.

INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SURPRISE

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) FCD 2003A016 between the Flood Control District of Maricopa County and the City of Surprise for the Data Sharing of Digital Aerial Ortho-Photography. The Aerial Ortho-Photography Purchase Order PG04690080109 to Stewart Geo Technologies, Inc., was processed through Article 3 on November 12, 2003, for a total of \$520,000. The cost of the project for the area of the city is \$20,838. The cost share is 50/50 for the project (district: \$10,419 and city: \$10,419). The IGA will remain in effect for a period of one year or completion of the project, whichever occurs first. (C69040732)

RESOLUTION – FISCAL YEAR 2004-2005 PLANNING PROGRAM

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to adopt Resolution FCD 2004R001, Fiscal Year 2004-2005 Planning Program. The Resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County to complete the planning studies identified in Exhibits A and B, to negotiate and award technical service contracts for the planning studies and negotiate rights-of-entry, subject to the ratification and approval of the Board of Directors of the District. Expenditures are contingent upon Board approval of the district's final budget for FY 2004-2005, which includes an appropriation for this purpose. (C69040846) (ADM1915)

FCD RESOLUTION 2004R001

WHEREAS, the Flood Control District of Maricopa County (District) was established in accordance with provisions of Arizona Revised Statutes (ARS) §48-3603, Chapter 21, for the purpose of acquiring, constructing, maintaining, and operating flood control facilities to control waters of rivers and streams, and other surface waters to prevent the flooding of property and the endangering of lives of people, and

WHEREAS, the District, under ARS §48-3616 is required to survey and report existing flood control problems and develop a comprehensive plan to mitigate the existing flood control problems, and

WHEREAS, the District's Planning Program includes Area Drainage Master Studies (ADMS), Area Drainage Master Plans (ADMP) and Watercourse Master Plans (WCMP), which survey and document existing flooding hazards, recommend future flood control facilities and identify other measures to mitigate existing flood hazards, and

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WHEREAS, the District's planning studies are valuable tools used by the District and local agencies to identify and mitigate existing flood hazards and to guide future land development, and

WHEREAS, the District has identified ADMS, ADMP, WCMP and studies to be continued or initiated during Fiscal Year 2003-04, as shown on Exhibits "A" and "B".

NOW, THEREFORE, BE IT RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to negotiate and award technical service contracts for the planning studies shown on Exhibits "A" and "B", subject to the ratification and approval of the Board of Directors of the District (Board), with the total Fiscal Year 2004-05 Planning Program expenditures amount estimated to be \$5,077,000.00; subject to funding to be approved in the District's F"Y 04-05 budget, and

BE IT FURTHER RESOLVED that the Chief Engineer and General Manager of the District is authorized and directed to negotiate with landowners and/or appropriate agencies to obtain all necessary rights-of-entry, for the purpose of obtaining topographic, geologic, hydrographic and environmental data for the studies, subject to the ratification and approval of the Board.

DATED this 2nd day of June 2004.

/s/ Andy Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to approve Intergovernmental Agreement FCD 2004A001, Rio Salado Oeste Project, between the Flood Control District of Maricopa County and the City of Phoenix. The purpose of this IGA is for the coordination and cost-sharing of the feasibility study being conducted by the U.S. Army Corps of Engineers (USACOE). The district's cost for these activities is 21% (estimated at \$408,000) and the cost share of the city 79% (estimated at \$1,533,000) for a total estimated non-federal cost of \$1,941,000. (C69040872)

ACCEPT QUITCLAIM DEED FROM MARICOPA COUNTY

Motion was made by Director Wilcox, seconded by Director Brock, and unanimously carried (5-0) to accept quitclaim deed to the Flood Control District Of Maricopa County for property described as follows: "lots one (1) through nine (9) of "sunset north unit seven amended" a subdivision of the east half (e1/2) of section twenty-two (22), township three (3) north range two (2) east, Gila and Salt River base and meridian, Maricopa County, Arizona, as recorded in book 170 of maps, page 8, Maricopa County Recorder, together with all improvements and appurtenances thereon". by way of "warranty deed" dated September 8, 1981, and recorded in docket 15508, page 921, the Flood Control District transferred ownership of the subject property to the county with reversionary rights in the event the real property is not used for long-term care services. it has been determined that the property will no longer be required in connection with the long term care program of the Maricopa County Department Of Health Services, and therefore automatically reverts back to the grantee (Flood Control District). (C6904095b)

MEETING ADJOURNED

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There being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board